

LISTING OF CLAIMS

The following listing of claims will replace all prior versions, and listings of claims in the application:

1. **(Currently amended)** An isolated nucleic acid molecule comprising a PRU promoter that ~~has seed-associated promoter activity and that comprises, in a 5' to 3' direction a nucleotide sequence comprising SEQ ID NO:1 or a fragment or variant thereof that exhibits seed-associated promoter activity when operably linked to a heterologous protein-encoding sequence, wherein the fragment or variant thereof is selected from the group consisting of:~~

~~(a) _____ a sequence that shares at least 80% sequence identity with nucleotides 1168-1212 of SEQ ID NO:1;~~

~~(b) a sequence that shares at least 80% sequence identity with the reverse complement of nucleotides 58-101 of SEQ ID NO:1;~~

~~(c) a sequence that shares at least 80% sequence identity with nucleotides 1055-1127 of SEQ ID NO:1 or the reverse complement of nucleotides 440142-214 of SEQ ID NO:1, operably linked to a sequence that shares at least 80% sequence identity with~~

~~(b) _____ nucleotides 1168-1212 of SEQ ID NO:1 or the reverse complement of nucleotides 58-101 of SEQ ID NO:1;~~

~~(d) a sequence that shares at least 80% sequence identity with nucleotides 1055-1212 of SEQ ID NO:1~~

~~(e) a sequence that shares at least 80% sequence identity with the reverse complement of nucleotides 58-214 of SEQ ID NO:1;~~

~~(f) a sequence that shares at least 80% sequence identity with nucleotides 854-1212 of SEQ ID NO:1;~~

~~(g) a sequence that shares at least 80% sequence identity with the reverse complement of nucleotides 58-429 of SEQ ID NO:1;~~

~~(h) a sequence that shares at least 80% sequence identity with SEQ ID NO:1;~~

~~(i) a sequence that shares at least 80% sequence identity with the reverse complement of SEQ ID NO:1;~~

~~(j) a sequence comprising nucleotides 1168-1212 of SEQ ID NO:1;~~

(k) a sequence comprising the reverse complement of nucleotides 58-101 of SEQ ID NO:1;
(l) a sequence comprising nucleotides 1055-1127 and 1169-1212 of SEQ ID NO:1;
(m) a sequence comprising the reverse complement of nucleotides 140-214 of SEQ ID NO:1 and the reverse complement of nucleotides 58-101 of SEQ ID NO:1;
(n) a sequence comprising nucleotides 854-1212 of SEQ ID NO:1; and
(o) a sequence comprising the reverse complement of nucleotides 58-429 of SEQ ID NO:1.

2. **(Currently amended)** The isolated nucleic acid molecule of claim 1 wherein the PRU promoter additionally comprises a sequence that shares at least 80% sequence identity with nucleotides 854-918 of SEQ ID NO:1 or the reverse complement of nucleotides 365-429 of SEQ ID NO:1 operably linked to the nucleotides set forth in (a) and (b).

3. **(Original)** The isolated nucleic acid molecule of claim 1 wherein the PRU promoter comprises nucleotides 1055-1212 of SEQ ID NO:1.

4. **(Original)** The isolated nucleic acid molecule of claim 3 wherein the PRU promoter comprises nucleotides 854-1212 of SEQ ID NO:1.

5. **(Original)** The isolated nucleic acid molecule of claim 4 wherein the PRU promoter comprises SEQ ID NO:1.

6. **(Previously presented)** The isolated nucleic acid molecule of claim 1 wherein the PRU promoter comprises the reverse complement of nucleotides 58-214 of SEQ ID NO:1.

7. **(Currently amended)** The isolated nucleic acid molecule of claim 6 wherein the PRU promoter comprises the reverse complement of nucleotides 58-429 of SEQ ID NO:1.

8. **(Previously presented)** The isolated nucleic acid molecule of claim 7 wherein the PRU promoter comprises the reverse complement of SEQ ID NO:1.

9. **(Currently amended)** ~~A plant expression vector comprising a chimeric construct comprising:~~ The isolated nucleic acid molecule of claim 1, wherein the nucleic acid molecule is a plant expression vector.

10. **(Currently amended)** The plant expression vector of claim 9, wherein the PRU promoter is operably linked to a heterologous ~~protein-protein-~~encoding sequence.

11. **(Currently amended)** The plant expression vector of claim 9 ~~that comprises~~comprising a first heterologous ~~protein-protein-~~encoding sequence in the antisense direction, the PRU promoter, and a second heterologous ~~protein-~~encoding sequence in the sense direction, wherein the vector is double-stranded, and wherein the PRU promoter directs seed-associated expression of both the first and the second heterologous ~~nucleic acid~~ protein-encoding sequences.

12. **(Original)** A transgenic plant cell comprising a plant expression vector of claim 9 in its genome.

13. **(Currently amended)** The plant cell of claim 12, ~~which is~~wherein the plant cell is from a plant belonging to the *Prunus* genus.

14. **(Currently amended)** The plant cell of claim 13, ~~which is from a~~wherein the plant is selected from the group consisting of cherry, almond, peach, apricot, and plum.

15. **(Currently amended)** The plant cell of claim 12, ~~which~~wherein the plant is from the *Arabidopsis* genus.

16. **(Withdrawn)** A method for producing a transgenic plant that exhibits seed-associated expression of a heterologous ~~nucleic acid coding~~protein-encoding sequence, comprising:

a) transforming progenitor cells of the plant with ~~a~~the plant expression vector of claim 10, and

b) growing the transformed progenitor cells to produce a transgenic plant that exhibits seed-associated expression of the heterologous ~~protein~~protein-encoding sequence.

17. **(Currently amended)** A transgenic plant obtained by the method of claim 16~~comprising the cell of claim 12~~.

18. **(Currently amended)** The plant of claim 17, ~~which~~wherein the plant belongs to the *Prunus* genus.

19. **(Currently amended)** The plant of claim 18, ~~which~~wherein the plant is selected from the group consisting of cherry, almond, peach, apricot, and plum.

20. **(Currently amended)** The plant of claim 17, ~~which is~~wherein the plant belongs to the *Arabidopsis* genus.

21. **(Original)** A plant part obtained from a plant according to claim 17.

22. **(Currently amended)** The plant part of claim 21, ~~which~~wherein the plant part is a seed.

23-26. **(Canceled)**.

27. **(New)** The nucleic acid of claim 1, wherein the PRU promoter comprises, in a 5' to 3' direction, nucleotides 1055-1127 of SEQ ID NO:1 operably linked to nucleotides 1168-1212 of SEQ ID NO:1.

28. **(New)** The nucleic acid of claim 27, wherein the PRU promoter further comprises nucleotides 854-918 of SEQ ID NO:1.

29. **(New)** The nucleic acid of claim 1, wherein the PRU promoter comprises, in a 5' to 3' direction, the reverse complement of nucleotides 142-214 of SEQ ID NO:1 operably linked to the reverse complement of nucleotides 58-101 of SEQ ID NO:1.

30. **(New)** The nucleic acid of claim 1, wherein the PRU promoter further comprises the reverse complement of nucleotides 365-428 of SEQ ID NO:1.